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Attorneys for Complainant

**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2094

ROBERT LEROY BARTON  
24110 Meadow Falls Drive  
Diamond Bar, California 91765

**STIPULATED RETIREMENT OF  
LICENSE AND ORDER**

Respiratory Care Practitioner License No. 9512

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

**PARTIES**

1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory Care Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Elaine Gyurko, Senior Legal Analyst.

2. Robert Leroy Barton (Respondent) is represented in this proceeding by James R. Gass, Attorney at Law, whose address is 12 Nevada Street, Suite B, Redlands, California 92373.

3. On or about September 6, 1985, the Board issued Respiratory Care Practitioner License No. 9512 to Respondent. This license was in full force and effect at all

1 times relevant to the charges brought herein and will expire on October 31, 2007, unless  
2 renewed.

3 JURISDICTION

4 4. Accusation No. R-2094 was filed before the Board, and is currently  
5 pending against Respondent. The Accusation and all other statutorily required documents were  
6 properly served on Respondent on August 7, 2007. Respondent filed his Notice of Defense  
7 contesting the Accusation. A copy of Accusation No. R-2094 is attached as Exhibit A and  
8 incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read and understands the charges and allegations  
11 in Accusation No. R-2094. Respondent also has carefully read and understands the effects of this  
12 Stipulated Retirement of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the  
14 right to a hearing on the charges and allegations in the Accusation; the right to confront and  
15 cross-examine the witnesses against him; the right to present evidence and to testify on his own  
16 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
17 production of documents; the right to reconsideration and court review of an adverse decision;  
18 and all other rights accorded by the California Administrative Procedure Act and other applicable  
19 laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
21 each and every right set forth above.

22 8. Respondent understands that by signing this stipulation, he enables the  
23 Board to issue its order accepting the retirement of his respiratory care practitioner license  
24 without further process.

25 CONTINGENCY

26 9. This stipulation shall be subject to approval by the Board. Respondent  
27 understands and agrees that the Board's staff and counsel for Complainant may communicate  
28 directly with the Board regarding this stipulation and settlement, without notice to or

1 participation by Respondent. By signing the stipulation, Respondent understands and agrees that  
2 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board  
3 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
4 the Stipulated Retirement of License and Order shall be of no force or effect, except for this  
5 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
6 be disqualified from further action by having considered this matter.

7           10. The parties understand and agree that facsimile or other copies of this  
8 Stipulated Retirement of License and Order, including the signatures thereto, shall have the same  
9 force and effect as the originals.

10           11. In consideration of the foregoing stipulations, the parties agree that the  
11 Board may, without further notice or formal proceeding, issue and enter the following Order:

12                           **ORDER**

13           IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 9512  
14 issued to Respondent Robert Leroy Barton is retired and accepted by the Respiratory Care Board.

15           12. Respondent shall lose all rights and privileges as a respiratory care  
16 practitioner in California as of the effective date of the Board's Decision and Order.

17           13. Respondent shall cause to be delivered to the Board both his license and  
18 wallet certificate on or before the effective date of the Decision and Order.

19           14. Respondent fully understands and agrees that if he ever files an application  
20 for relicensure or a petition for reinstatement in the State of California, the Board shall treat it as  
21 a petition for reinstatement. Respondent must comply with all the laws, regulations and  
22 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all  
23 of the charges and allegations contained in Accusation No. R-2094 shall be deemed to be true,  
24 correct, and admitted by Respondent when the Board determines whether to grant or deny the  
25 petition.

26           15. Respondent shall pay the Board cost recovery in the amount of \$2,077.00  
27 prior to issuance of a reinstated license.

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ACCEPTANCE

I have carefully read the Stipulated Retirement of License and Order and have fully discussed it with my attorney, James R. Gass. I understand the stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter into this Stipulated Retirement of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.

DATED: January 4, 2008.

Original signed by: \_\_\_\_\_  
ROBERT LEROY BARTON  
Respondent

I have read and fully discussed with Respondent Robert Leroy Barton the terms and conditions and other matters contained in the above Stipulated Retirement of License and Order. I approve its form and content.

DATED: December 18, 2008.

Original signed by: \_\_\_\_\_  
JAMES R. GASS  
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Retirement of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: February 22, 2008.

EDMUND G. BROWN JR., Attorney General  
of the State of California

Original signed by: \_\_\_\_\_  
ELAINE GYURKO  
Senior Legal Analyst

Attorneys for Complainant

**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2094

ROBERT LEROY BARTON  
24110 Meadow Falls Drive  
Diamond Bar, California 91765

Respiratory Care Practitioner License No. 9512

Respondent.

**DECISION AND ORDER**

The attached Stipulated Retirement of License and Order is hereby adopted by the  
Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

The Decision shall become effective on April 7, 2008.

It is so ORDERED March 28, 2008.

Original signed by:  
\_\_\_\_\_  
LARRY L. RENNER, BS, RRT, RCP, RPFT  
PRESIDENT, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA